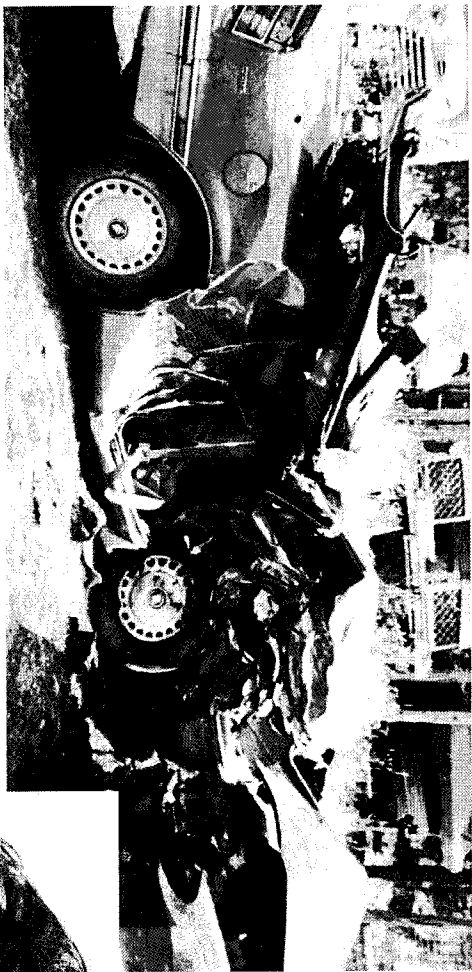


SENATE JUDICIARY

EXHIBIT NO.

DATE 3/27/09

CALL NO HB628



SENATE JUDICIARY

EXHIBIT NO.

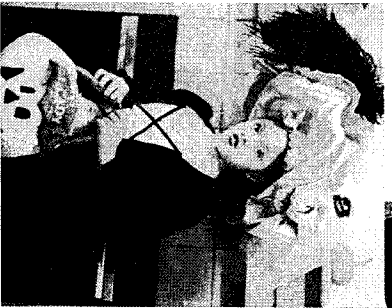
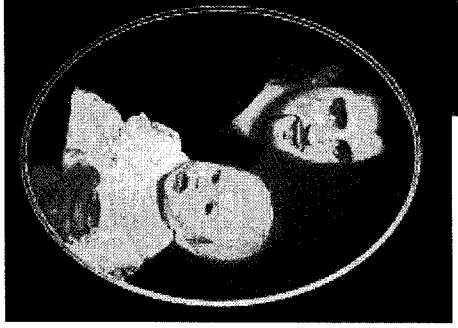
DATE 3/27/09

CALL NO HB628

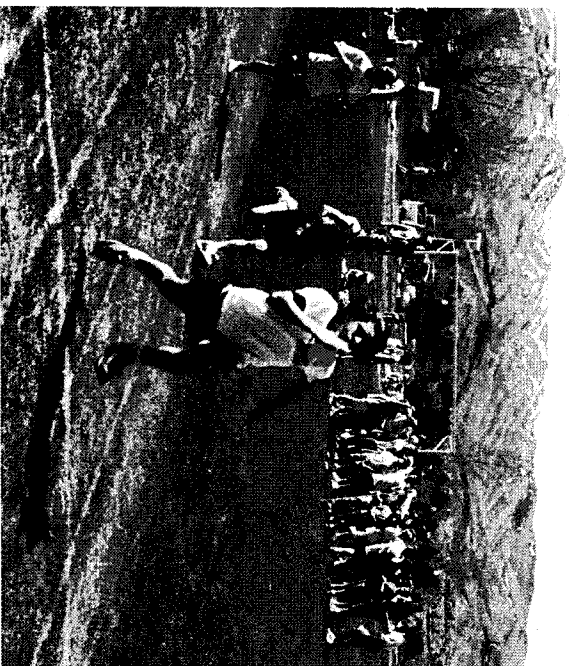
HB 628 “Cady’s Law”

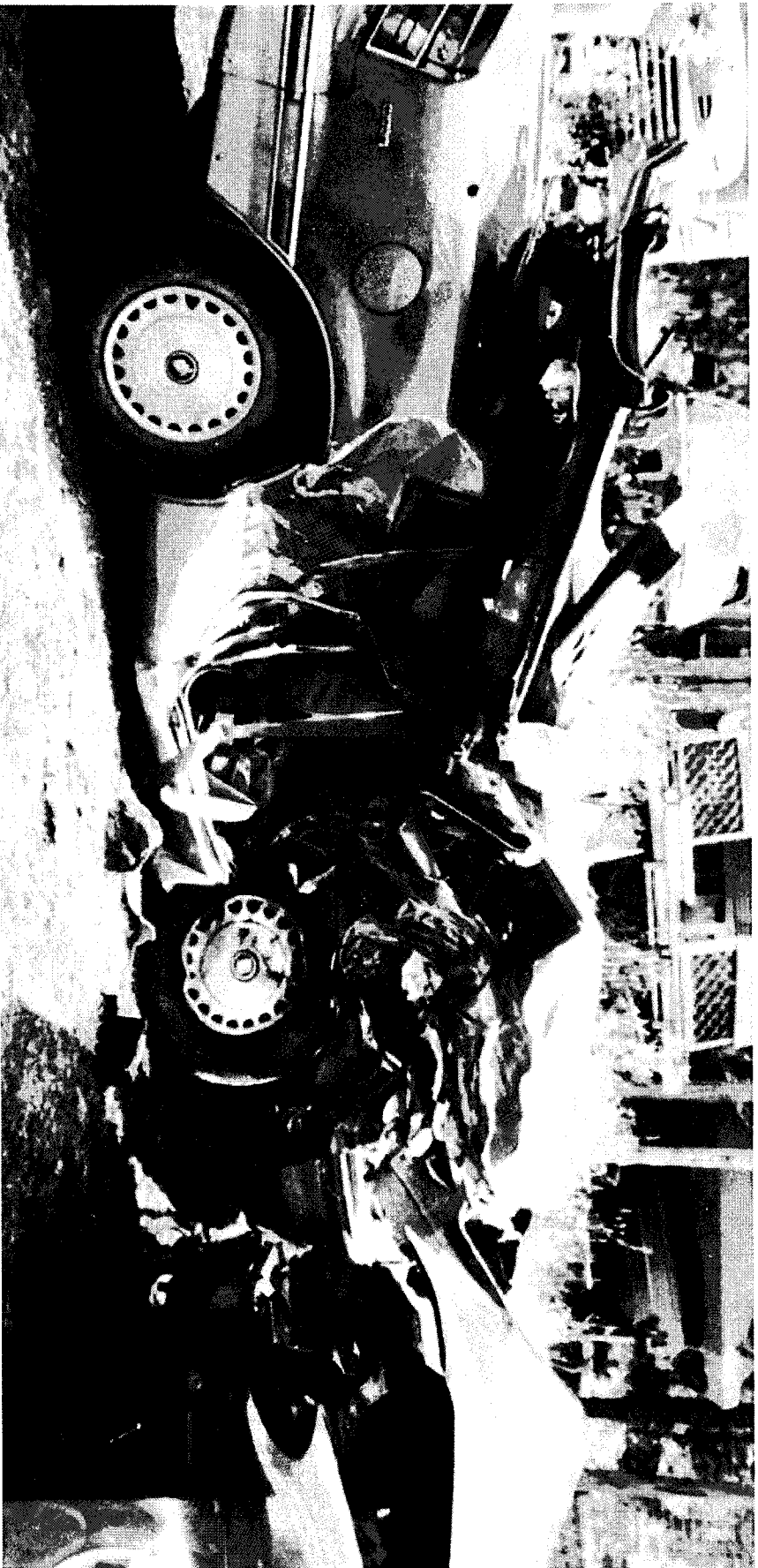
Senate Judiciary Committee
Hearing

Helena, Montana
March 27, 2009

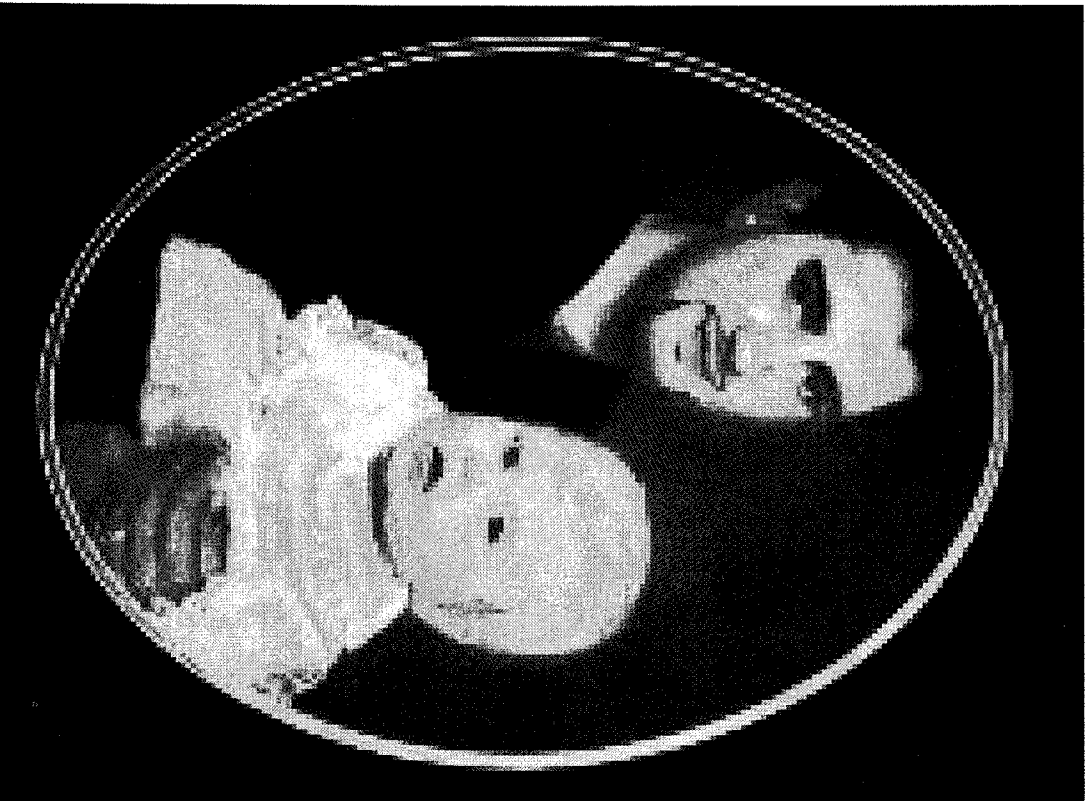


**Cady, May 13, 2002, blue
ribbon track meet**

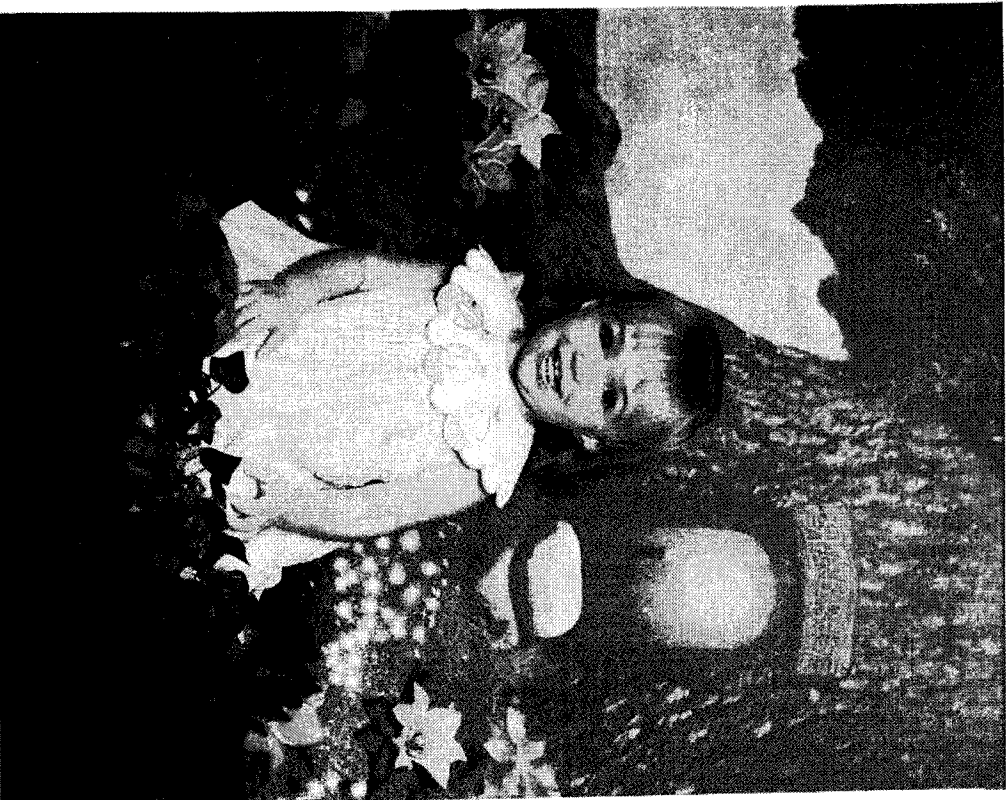




Cady Tucker, 11, was buckled in the front passenger seat of the red car in the photograph when she was killed on August 15, 2002, at 3:56 p.m. The driver, a severely insulin-dependent diabetic with out-of-control blood sugar, drove across the center line by 10 feet on a blind hairpin curve of two-lane Highway 83 near Seeley Lake, and caused a passenger-side-to-passenger-side head-on collision, three-car crash, with eight injured: two critically and Cady fatally. The diabetic driver also was driving in violation of her driver's license restriction to drive only a vehicle equipped with a steering knob. She was found 100% at fault but was never charged or given a citation. No one provided CPR or any treatment for Cady at the scene. Cady was to start sixth grade in Idaho Falls in two weeks. The force of the impact was so great that one of Cady's molars was jettisoned to the back seat of the car.



James and Kaitlyn Neumayer, 22 and 1, were killed on June 8, 2000, when a severe insulin-dependent diabetic driver on Highway 93 north of Lolo slammed head-on with a car driven by 17-year-old Amber Knutson at 4:15 p.m. The diabetic driver's car then became airborne and crushing the car of James, Jessica, and Kaitlyn Neumayer, directly being Knutson. Amber, James, and Kaitlyn were killed. Jessica's ear had to be reattached and she suffered left-front brain damage.



Anna Hull, 2, was killed when a driver rear-ended her mother Lindsay's car on September 15, 2003, at about 7:30 a.m. west of Billings. Her mother had stopped at a 4-way intersection for two trucks turning left when the driver of a pickup behind Lindsay slammed into her car at 67 mph. The car then struck two power poles. Anna suffered traumatic brain injury. Her organs were donated the next day. Lindsay has permanent brain damage. A charge of negligent homicide was filed against the driver but dismissed.

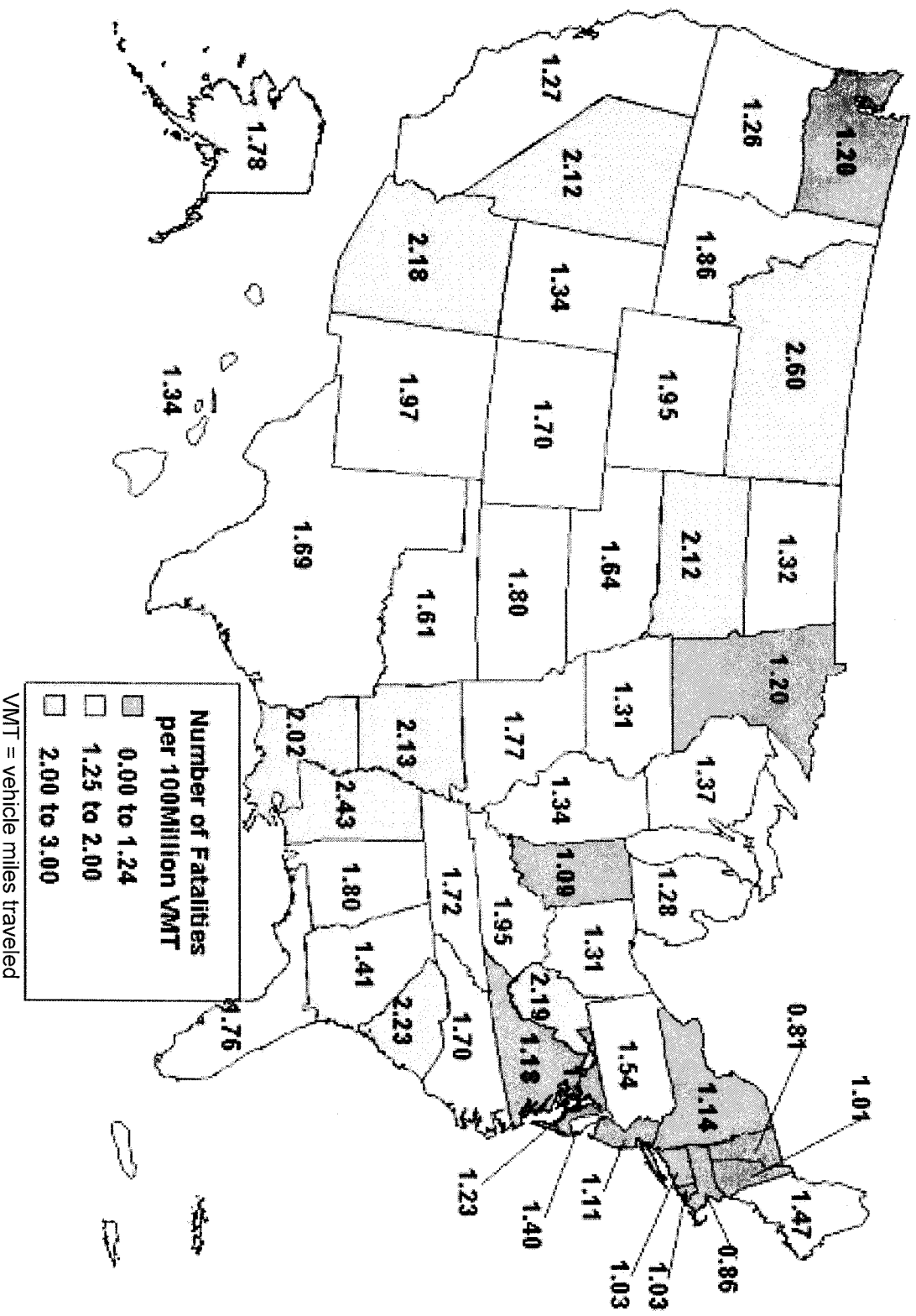


Linn Ferrel, was killed on August 19, 2004, at about 4:15 p.m. when an eastbound car crossed the median on I-90 outside of Billings and struck Linn's car in the westbound lane. Linn died at the scene. A coroner's inquest in 2006 resulted in a 7-member jury voting unanimously that Linn's death was caused by criminal negligence. A charge of negligent homicide was filed shortly thereafter but the charge was dismissed.

Actual Cost to Each of Us

- **43,000 U.S. vehicle fatalities occur each year**
- Each of us has a 1/84 lifetime chance of being **killed** in a vehicle crash (National Safety Council)
- Vehicle crashes are the
years of
age; each life lost is compounded by many lost years
- **Every month** more people are killed in traffic collisions in the U.S. than were killed in 9/11
- **\$231 billion annual monetary loss** from vehicle crashes in the U.S. exceeds the GDP of all but a few countries (Leonard Evans, *Traffic Safety*, 2004)

Highway Fatality Rate Map (2002)



Source: Fatality Analysis Reporting System

HB 628 “Cady’s Law”

- Extends the statute of limitation from 1 to 3 years when the consequence of careless or reckless driving results in death
- Extended statute of limitations is critical because when a loved one is killed, particularly with a child, families are incapacitated by grief the first year
- Gives county attorneys time to develop a case for prosecution of a higher charge—negligent homicide or vehicular